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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,213	12/05/2006	Thomas Walther	4100-410PUS	7161

27799 7590 01/20/2010

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EXAMINER	
FREEMAN, SHEMA TAIAN	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
01/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,213	WALTHER ET AL.	
	Examiner	Art Unit	
	SHEMA T. FREEMAN	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *35-87* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35-87* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 August 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/14/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a process for applying at least part of at least one of the antenna and the oscillating circuit to the substrate by letter plate sheet-fed offset printing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 74 and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 74 and 84 fails to define a substrate or material to which the oscillating circuits are applied. Claim language suggests that the freshly printed and cut circuits are applied to themselves.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 35-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Isen et al (5,656,081).

Regarding claims 35, 40, 44-49, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit by using a printing process, comprising: providing a printable substrate **52, Fig 5**; and applying at least part of at least one of the antenna and the oscillating circuit to the substrate by sheet-fed offset printing **(column 4, lines 35-38)**.

Regarding claim 36, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein said step of applying comprises using a conductive paste or conductive ink to print conducting tracks as part of at least one of the antenna and the oscillating circuit **66, Fig 5**.

Regarding claim 37, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the conductive ink is used and the conductive ink is an ink with metal particles **(column 6, lines 13-23)**.

Regarding claim 38, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the conductive paste is used and the conductive paste contains carbon black or carbon fibers **(column 6, lines 13-23)**.

Regarding claim 41, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein said step of applying includes applying part of

at least one of the antenna and the oscillating circuit to a rear surface of the substrate which is formed as a sheet, and flipping over the sheet in a turning device **(column 12, lines 53-61)**.

Regarding claim 42, 43, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit further comprising the step of applying a protective varnish or protective ink to the substrate after part of at least one of the antenna and the oscillating circuit has been printed **116, Fig 5**.

Regarding claims 50 and 59, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the substrate is a fibrous material **(column 10, lines 61-65)**.

Regarding claims 51 and 60, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the substrate is a film **(column 10, lines 61-65)**.

Regarding claims 52 and 61, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the substrate is a fabric of at least one of natural and synthetic fibers **(column 10, lines 61-65)**.

Regarding claim 53-56 and 62-65, Isen teaches a process for producing an RFID label

having an antenna and an oscillating circuit further comprising, in the case of a substrate having absorbent properties, precoating, prevarnishing, or preprinting the substrate with a varnish or a pre-inking medium to reduce the absorbent properties **58, Fig 5**.

Regarding claims 57 and 66, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein said step of applying further comprises the steps of printing two lines with different length next to each other over a certain portion of their length, and connecting the two lines to each other at ends of a shorter line of the two lines to produce a capacitive element **Printing Station 5, Fig 5**.

Regarding claims 58 and 67, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein said step of applying further comprises the steps of printing a base line, printing an insulator over part of the base line, and printing an opposing line to produce a capacitive element **Printing Stations 4 and 5, Fig 5**.

Regarding claims 68-70 and 78-80, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the step of applying comprises applying several copies of the at least part of at least one of the antenna and the oscillating circuit to the substrate which is formed as a sheet **(column 8, lines 27-29)**.

Regarding claims 71 and 81, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit further comprising the step of separating the copies on the substrate from each other **122, Fig 5**.

Regarding claims 72 and 82, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the copies on the substrate are separated from each other in blocks **122, Fig 5**.

Regarding claims 73 and 83, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit wherein the copies on the substrate are separated individually from each other **122, Fig 5**.

Regarding claims 74 and 84, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit further comprising the steps of uniformly orienting the separated copies or blocks of copies, and applying the oscillating circuits, further parts of the oscillating circuits, or IC chips to the oriented copies or blocks of copies **(column 10, lines 6-10)**.

Regarding claims 75 and 85, Isen teaches a process for producing an RFID label having an antenna and an oscillating circuit further comprising the steps of attaching the

separated copies to packages, and applying the oscillating circuits, further parts of the oscillating circuits, or IC chips to the attached copies **(column 12, lines 53-57)**.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isen et al (5,656,081) in view of Kruger et al (6,240,843).

Regarding claim 39, Isen teaches all the claimed elements a sheet-fed offset press with gripper transport. Kruger teaches a sheet transport printing press with grippers **(column 2, lines 58-65)**. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the sheet-fed press of Isen to include grippers as taught by Kruger to more securely hold the sheet to the transport belt during operation.

8. Claims 76, 77, 86 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isen et al (5,656,081) in view of Tisma (4,856,566).

Regarding claims 76, 77, 86 and 87, Isen teaches all the claimed elements except wherein the step of applying the oscillating circuits, further parts of the oscillating circuits, or IC chips to the attached copies is performed during a preparation of the packages in a folding box gluing machine or is performed during a filling of the packages in a box-filling station.

Tisma teaches an automatic packaging machine including a box filling station **33, Fig 2** and a gluing station **46, Fig 1**. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the process of Isen to include a box filling station and gluing station as taught by Tisma so the step of applying the oscillating circuits, further parts of the oscillating circuits, or IC chips to the attached copies is performed during a preparation of the packages in a folding box gluing machine or is performed during a filling of the packages in a box-filling station to provide a faster and more efficient package finishing process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEMA T. FREEMAN whose telephone number is (571)270-5714. The examiner can normally be reached on Monday-Thursday 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. F./

Examiner, Art Unit 2854

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854